

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 09-2490(DSD/JJG)

Terrance Alfonso Dudley,
Petitioner,

v.

ORDER

Warden Jessica Symmes,
Respondent.

This matter is before the court upon petitioner Terrance Alfonso Dudley's pro se objection to the September 21, 2009, report and recommendation of Magistrate Judge Jeanne J. Graham. In her report, the magistrate judge recommends that petitioner's 28 U.S.C. § 2254 petition for a writ of habeas corpus be denied and dismissed without prejudice because petitioner has not exhausted all state court remedies for his claims.

The court reviews the report and recommendation of the magistrate judge de novo. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3); D. Minn. LR 72.2(b). After a de novo review, the court finds that the report and recommendation of the magistrate judge is well reasoned and correctly disposes of the petition. Therefore, the court adopts the report and recommendation [Doc. No. 4] in its entirety.

Accordingly, **IT IS HEREBY ORDERED** that:

1. Petitioner's objection [Doc. No. 5] to the magistrate judge's report and recommendation [Doc. No. 4] is overruled;

2. Petitioner's motion to appoint counsel [Doc No. 6] is dismissed as moot;

3. This action is dismissed without prejudice; and

4. Pursuant to 28 U.S.C. § 2253(c)(1)(A), the court denies a certificate of appealability in this case.

Dated: October 23, 2009

s/David S. Doty
David S. Doty, Judge
United States District Court